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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,402	08/02/2001	Herbert Blum	PRINZ H1768	6054
27667	7590	07/12/2005	EXAMINER	
HAYES, SOLOWAY P.C. 130 W. CUSHING STREET TUCSON, AZ 85701			WINTER, JOHN M	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/921,402	BLUM ET AL.	
	Examiner	Art Unit	
	John M. Winter	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 3621

### DETAILED ACTION

Claims 1-5 remain pending.

#### *Response to Arguments*

The Applicant's arguments filed on April 29, 2005 have been fully considered. Claims 1-5 remain rejected in reference to newly discovered reference Pugliese, III et al (US Patent Application Publication 2002/0072974). Rejections based on the newly cited reference follows.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simmons et al., (US Patent Application Publication No 2001/0039659) in view of Patterson (US Patent No 6,389,541) and further in view of Pugliese, III et al (US Patent Application Publication 2002/0072974)

As per claim 1,  
Simmons et al. ('659) discloses a method for secure data transmission in selling products.

wherein a product selection terminal as well as counter mechanism comprising a document reading station and a product delivery storage are provided and wherein at the product selection terminal a product is selected and a document for the selected product is output by a printing device characterized in(Figures 1,2)

that said document is provided with a first self-checking encryption code and with a first algorithm for encrypting a product identification of the selected product or the selling identification of a selling process, wherein one or more selling identifications are provided on said document, (Page 3, paragraph 401; figure 3)

Simmons et al. ('659) does not explicitly disclose "that said encryption on said document is identified at the document reading station, wherein the value associated to said product is detected and forwarded to said counter mechanism for balancing the value, that after the payment of said product said counter mechanism delivers an electronic information carrier by an output device connected thereto, wherein said electronic information carrier includes a CPU generating a second self-checking

Art Unit: 3621

encryption code having any encryption depth by using a second algorithm for encrypting all the products being paid; that said electronic information carrier is supplied to a reading unit in said product delivery storage in order to identify and to decrypt said second encryption code, wherein in case of an authorized identification the delivery of the selected product in the selected quantity from the product delivery storage is started”, Patterson. (‘541) discloses “that said encryption on said document is identified at the document reading station, wherein the value associated to said product is detected and forwarded to said counter mechanism for balancing the value, that after the payment of said product said counter mechanism delivers an electronic information carrier by an output device connected thereto, wherein said electronic information carrier includes a CPU generating a second self-checking encryption code having any encryption depth by using a second algorithm for encrypting all the products being paid; that said electronic information carrier is supplied to a reading unit in said product delivery storage in order to identify and to decrypt said second encryption code, wherein in case of an authorized identification the delivery of the selected product in the selected quantity from the product delivery storage is started”. (Column 11, lines 21-45; figure 8). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Simmons et al. (‘659) method with the Patterson (‘541) method in order in order to provide data security.

Simmons et al. (‘659) does not explicitly disclose “a physical product”, Pugliese, III et al (‘974) discloses “a physical product”. (paragraph 14). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Simmons et al. (‘659) method with the Pugliese, III et al (‘974) method in order in order to maximize the available market.

As per claim 2,

Simmons et al. (‘659) discloses the method for secure data transmission in selling products according claim 1

Simmons et al. (‘659) does not explicitly disclose “output device includes a CPU generating said second self-checking encryption code by using a second or the same algorithm for encrypting the products being paid wherein said electronic information carrier is provided as a passive memory and wherein a PIN is additionally inserted.”, Patterson. (‘541) discloses “output device includes a CPU generating said second self-checking encryption code by using a second or the same algorithm for encrypting the products being paid wherein said electronic information carrier is provided as a passive memory and wherein a PIN is additionally inserted.”. (Column 11, lines 21-45). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Simmons et al. (‘659) method with the Patterson (‘541) method in order in order to provide data security.

Simmons et al. (‘659) does not explicitly disclose “a physical product”, Pugliese, III et al (‘974) discloses “a physical product”. (paragraph 14). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Simmons et al. (‘659) method with the Pugliese, III et al (‘974) method in order in order to maximize the available market.

Art Unit: 3621

As per claim 3,

Simmons et al. ('659) discloses the method for secure data transmission in selling products according claim 1 or 2

Official Notice is taken that "algorithm does not represent an encryption algorithm and that no encryption of said document is applied" is common and well known in prior art in reference to secure data. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a checksum algorithm to verify the integrity of the data (such as the well known CRC algorithm) that would involve no encryption of the document.

Simmons et al. ('659) does not explicitly disclose "a physical product", Pugliese, III et al ('974) discloses "a physical product".(paragraph 14). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Simmons et al. ('659) method with the Pugliese, III et al ('974) method in order in order to maximize the available market.

As per claim 4,

Simmons et al. ('659) discloses the method for secure data transmission in selling products according to any of the preceding claims,

characterized in that an encrypted data transmission between said product delivery and said product delivery terminal is provided.(Figure 3)

Simmons et al. ('659) does not explicitly disclose "a physical product", Pugliese, III et al ('974) discloses "a physical product".(paragraph 14). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Simmons et al. ('659) method with the Pugliese, III et al ('974) method in order in order to maximize the available market.

As per claim 5,

Simmons et al. ('659) discloses the method for secure data transmission in selling products according to any of the preceding claims, characterized in that said data transmission between the individual zones comprising the product selection zone the counter zone and the product delivery zone is established a mechanism of information carriers and/or devices operating by means of printing engineering, radio engineering, lighting engineering or magnetically.(Figure 1)

0 Simmons et al. ('659) does not explicitly disclose "a physical product", Pugliese, III et al ('974) discloses "a physical product".(paragraph 14). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the Simmons et al. ('659) method with the Pugliese, III et al ('974) method in order in order to maximize the available market.

### ***Conclusion***

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although

Art Unit: 3621

the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to John Winter whose telephone number is (571) 272-6713. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Any response to this action should be mailed to:

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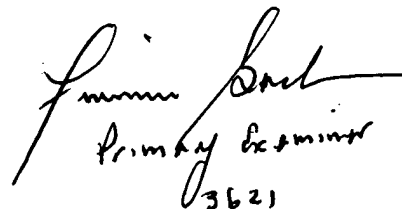
**Washington, D.C. 20231**

or faxed to:

(703) 305-7687 [Official communications; including After Final communications  
labeled "Box AF"]  
(703) 308-1396 [Informal/Draft communications, labeled "PROPOSED" or  
"DRAFT"]

Hand delivered responses should be brought to the Examiner in the Knox Building, 50 Dulany St. Alexandria, VA.

JMW  
July 11, 2005

  
Primary Examiner  
3621